Attachment to Independent Case Review Report
For CDRU # 996 Case file # 95-296701.

Material Examiner Malone (RO)

Remarks:

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fiber

Review commenced at: 9:45 AM (Time), 09 / 15 / 99 (Date)

File #: 95-296701

Laboratory #(s): 10111007

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
RQ	X	☐		☐	☐
	☐			☐	☐
	☐			☐	☐

Materials Reviewed

Trial testimony transcript(s) of: Michael Malone

Testimony Date(s): Unknown Pages: 665-697

Laboratory Report(s):

Laboratory Number: 10111007 Date: Mar 8, 1991

Laboratory Number: Date:

Laboratory Number: Date:

Examiner Bench Notes of: RQ and unknown technician

Laboratory Number: 10111007

Initials: SMR

CRM - 17216

Was any other material reviewed? Yes X No

If yes, please identify and/or describe the material: _____

Results of Review

File #: 95-296701 Item or Specimen # Reviewed: Q1-Q12, K1-K4

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
☐ Yes ☐ No ☑ Unable to Determine

2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes? ☐ Yes ☑ No ☐ Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

☐ Transcript not available.

3) Testimony consistent with the laboratory report(s)? ☑ Yes ☐ No ☐ Unable to Determine

4) Testimony consistent with the bench notes? ☐ Yes ☑ No ☐ Unable to Determine

5) Testimony within bounds of examiner's expertise? ☐ Yes ☑ No ☐ Unable to Determine

Initials: _____

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

File #: 95-296701

#1. There is insufficient documentation to determine if the hair comparison was performed in a scientifically acceptable manner.

#2. The results are not adequately documented in the notes. The notes are not dated, are in pencil, have some erasures and do not indicate the number of hair recovered or available for comparison or the length of the hair. The technician did not initial the notes and does not indicate what was done with the items.

The question mark at the end of the notation "Q7- 1 lt b P.H. C.O, F.rem = K4 (S) ?" is not explained in the notes. Some hair were deemed unsuitable with no documented reason or explanation.

Confirmation of the hair comparison was apparently obtained from another examiner, but the confirmation worksheet does not specify which 2 samples were examined, has information blacked-out and does not indicate the second examiner's opinion.

Review completed at: 11:30 AM (Time), 09 / 15 / 99 (Date)

Total time spent conducting review (to nearest 1/4 hour): 1 3/4 hours

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

Steve Roberts — 9-15-99

(Signature) (Date)

Initials: SR

Additional Comments
(Set forth by question #, if applicable)

File #: 95-296701

#4. The examiner testified he was able to establish the range of characteristics exhibited by the suspect's head and pubic hair samples, finding 20 classes of characteristics in the head hair sample. His exam notes do not indicate a full characterization of the microscopic characteristics exhibited by the suspect's head hair was done.

The examiner testified that hair from Q3 was a body hair. His exam notes do not reflect this.

The examiner testified he received at least a dozen pubic hair in the suspect's known sample. His notes do not specify how many hair were received. He apparently makes an assumption as to the approximate number of these hair as he has 2 slides of suspect pubic hair.

#5. Testimony was given that it is the FBI Lab policy that a hair must have at least 15 individual microscopic characteristics or it has no value for comparison. Doug Deedrick has said he is not aware of any such policy in the FBI Lab.

Initials: SMA